

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

JAN 23 2001

PATRICK FISHER
Clerk

In re: CATHERINE MAE GAVEND,

Debtor,

JEFFREY L. HILL, Trustee,

Plaintiff-Appellee,

v.

WILLIAM EUGENE KRESL, III;
WILLIAM EUGENE KRESL, III, as
Custodian for Aryn Jade Kresl;
THERESA A. KURTENBACH;
RANDALL W. KURTENBACH; SUSAN
E. KRESL,

Defendants-Third-Party-Plaintiffs -
Appellants,

CATHERINE MAE GAVEND,

Debtor-Appellant,

v.

FEDERAL DEPOSIT INSURANCE
CORPORATION, a receiver for Capitol
Federal Savings and Loan Association;
DAVID UNGER, RICHARD B.
GAVEND; STEVEN W. HICKOX,

Third-Party Defendants.

No. 00-1119
(D.C. No. 95-M-1731)
(District of Colorado)

ORDER AND JUDGMENT*

Before **SEYMOUR**, Circuit Judge; **PORFILIO**, Senior Judge; and **JENKINS**, Senior Judge.**

This is an appeal from an order of the district court sitting in review of judgments made by the Bankruptcy Court for the District of Colorado. The parties have requested this matter be considered without oral argument, and we have honored that request. Fed. R. App. P. 34 (a)(2).

Although the record indicates there have been years of litigation between the debtor, some of her relatives, and the trustee in bankruptcy, what is essentially before us is the Debtor's attempt to undo a dispositive settlement reached in the bankruptcy court. After reviewing the briefs and the record, we fully agree with the disposition of the case made by the district court.

The Debtor, Ms. Gavend, has made a valiant, but ill conceived effort to convince the court she has been "shut out" and deprived of the right to "defend" herself. The

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. This court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

**The Honorable Bruce S. Jenkins, Senior Judge for the United States District Court for the District of Utah, sitting by designation.

contentions upon which she has predicated this assertion both in the district court and here are founded upon basic misconceptions of apparent facts and the law. Nonetheless, because she has proceeded throughout as her own attorney, we have carefully scrutinized the record. In so doing we can find no error made by the district court. In particular, we see no basis for avoiding the dispositive settlement. We therefore **AFFIRM** the district court for the reasons set forth in its Memorandum Opinion and Order of February 29, 2000.

The appellants' "Motion Requesting for Certification of Questions of Colorado Law" is denied.

ENTERED FOR THE COURT

John C. Porfilio
Senior Circuit Judge